

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **REYNALDO LOPEZ MORALES**
SSN xxx-xx-2935

CASE NO: **17-03864-BKT**

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$1,000.00** Outstanding (Through the Plan): **\$309.22**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1329

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: **\$0.00**

Liquidation Value:\$0.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the Proposed "PCM": Dated **12/20/2018 (Dkt 56)** **Plan Base: \$7960.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.:100+4.25%

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

- Debtor has failed to submit post-petition tax returns for evaluation.

Re: 2017 local tax return.

Also, Debtor now intends to pay insurance for the vehicle he intends to pay in full to BPPR through the plan (Section 4.6). Debtor has failed, however, to submit an insurance quote.

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

Section 3.7: Debtor cannot modify the standard plan format. This must be corrected.

Also, in Section 3.1 Debtor includes a provision for direct payments made by debtor to BPPR. In Section 3.7, Debtor provides for the payment in full of such debt. Schedule J continues to include the vehicle payment expense.

These conflicting provisions must be corrected.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Under the proposed plan Debtor is 3 months, or \$735.00, in arrears with the Trustee. Debtor should revise section 2.1 of the plan. There appears to be an error in the payment Schedule (\$245.00 x 0).

Debtor has failed to disclose the reason behind the arrears with both the Trustee and BPPR.

*OTHER COMMENTS / OBJECTIONS

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: January 04, 2019

/s/ Nannette Godreau, Esq.

Last Docket Verified: 58 Last Claim Verified: 1-2 CMC: RC